

JUN 19 2007

Federal Communications Commission
Office of the Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	EB Docket No. 07-13
)	
DAVID L. TITUS)	FRN No. 0002074797
)	File No. EB-06-IH-5048
Amateur Radio Operator and Licensee of)	
Amateur Radio Station KB7ILD)	
To: Richard L. Sippel		
Chief Administrative Law Judge		

JOINT STATUS REPORT ON DISCOVERY

1. By *David L. Titus*, First Discovery Order, FCC 07M-14 (ALJ, rel. May 25, 2007), the Presiding Judge ruled on the Bureau's Motion to Compel Answers to Interrogatories and Motion to Compel Production of Documents, both filed on April 17, 2007. Therein, the Presiding Judge directed the parties to "discuss the most efficient ways that can be agreed on as to the date(s) for producing documents, and supplementing answers to interrogatories."¹ The Presiding Judge also directed the parties to submit to him by noontime on June 19, 2007, a Joint Status Report on Discovery. The parties hereby jointly provide the instant report.

2. Subsequent to release of the First Discovery Order, the parties spoke by telephone about the most efficient date and method by which Mr. Titus would produce the documents and supplemental answers to interrogatories that the Presiding Judge ordered him to produce. They agreed that Mr. Titus would transmit such information to Bureau counsel by close of business on Friday, June 15, 2007.

¹ *David L. Titus*, First Discovery Order, FCC 07M-14 (ALJ, rel. May 25, 2007), at p. 5.

3. Bureau counsel did not receive any supplemental materials from Mr. Titus by the agree-upon deadline. On Monday morning, June 18, 2007, Bureau counsel inquired of Mr. Titus' counsel by telephone about the apparent delinquent production. Mr. Titus' counsel explained that he had directed his staff to provide such materials to Bureau counsel as well as to the Presiding Judge in advance of the agree-upon deadline, and he was at a loss to explain why Bureau counsel had not yet received its packet of information, either by U.S. mail, facsimile or e-mail, particularly as the information had been signed by Mr. Titus and placed in the U.S. mail by Mr. Titus' counsel's office on June 12, 2007, as represented by the applicable Certificate of Service. In any event, as of late Monday morning, June 18, 2007, Bureau counsel was able, with the acquiescence of Mr. Titus' counsel, to obtain the supplemental materials from the Office of Administrative Judges, to which Mr. Titus had apparently faxed a copy on June 12, 2007.

4. The Bureau is in the process of reviewing the information provided by Mr. Titus. Because of their respective vacation schedules,² Bureau counsel will not be in a position to determine whether the information provided by Mr. Titus is fully responsive to the First Discovery Order or to plan the nature and extent of further discovery in this proceeding, particularly depositions, until it has completed its review, which it anticipates doing by Friday, July 6, 2007. Counsel for Mr. Titus also represents that he, too, is in the process of contemplating the need for discovery in this case.

5. Given the course of discovery thus far and the delays that have ensued, the parties respectively request that the Presiding Judge schedule a further prehearing


² One of the two counsel assigned to this case on behalf of the Bureau will be on vacation and incommunicado through Independence Day.

conference to discuss revising the hearing date, now scheduled for September 19, 2007.³


At this point, commencing the hearing on September 19, 2007, no longer appears practicable.

6. Counsel for Mr. Titus states that he has read this Joint Status Report on Discovery, concurs with the representations therein, and has authorized Bureau counsel to file this Joint Status Report on Discovery on his behalf.

Respectfully submitted,
Kris Anne Monteith
Chief, Enforcement Bureau



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June 19, 2007

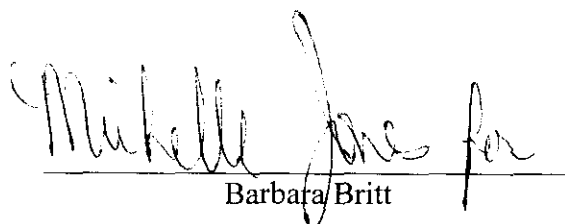
³ See *David L. Titus*, Order, FCC 07M-10 (ALJ, rel. March 30, 2007).

CERTIFICATE OF SERVICE

Barbara Britt, a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 19th day of June 2007, sent by first class United States mail copies of the foregoing "Joint Status Report on Discovery" to:

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Chief Administrative Law Judge Richard L. Sippel*
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* Hand-Delivered